

## PLANNING COMMISSION

November 5, 2008

Meeting Report

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### **ROLL CALL**

PRESENT: Commissioners' Campos, Do, Jensen, Kalra (resigned prior to item 2.a.), Kamkar, Platten (arrived after item 7.a. which was heard after 8.b.), Zito

ABSENT: None

1. **Commendation of Commissioner Ash Kalra for work on the Commission from July 2006 to November 5, 2008, and as Chair of the Commission between August 22, 2007 to July 16, 2008.**
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### **2. DEFERRALS**

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- a. **CP08-060**. Conditional Use permit to allow performing arts rehearsal use in an existing storage/warehouse on a 1.01-gross acre site in the LI Light Industrial Zoning District, located at 150 S. Montgomery Street (City Of San Jose Redevelopment Agency, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

**DROPPED TO RE-NOTICE AT REQUEST OF STAFF (5-0-1; PLATTEN ABSENT)**

### **3. OPEN PLANNING COMMISSION FALL 2008 HEARING ON GENERAL PLAN AMENDMENTS**

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**OPENED THE GENERAL PLAN HEARING (5-0-1; PLATTEN ABSENT)**

#### **4. GENERAL PLAN CONSENT CALENDAR**

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- a. [GP07-04-03](#). General Plan Amendment request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) on 0.6 acres and Medium Low Density Residential (8 DU/AC) on 0.36 acres to Neighborhood/Community Commercial on a 0.95 acre site located on the southeast corner of Landess Avenue and Morrill Avenue (3102 Morrill Avenue)(Klifo Family Invs LLC, Owner/CFC Commercial Finance Corp, Applicant)(APNs: 092-20-139, 092-20-008). Council District 4. SNI: None. CEQA: Negative Declaration. *PROJECT MANAGER, B.ROTH*

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

- b. [GP08-T-01](#). General Plan Text Amendment request to revise the text of the General Plan to increase the maximum allowable building height from 50 feet to 70 feet above ground level on an approximately 5.4-acre site located at the northeast corner of Samaritan Drive and South Bascom Avenue (2581 Samaritan Drive) (Samaritan Medical Center, Owner/Applicant). Council District: 9. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, R.ROBERTS*

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

#### **5. GENERAL PLAN PUBLIC HEARING CALENDAR**

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None.

#### **6. CONTINUE THE PLANNING COMMISSION HEARING FOR THE FALL 2008 GENERAL PLAN AMENDMENTS TO NOVEMBER 19, 2008**

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**CONTINUED THE GENERAL PLAN HEARING TO NOVEMBER 19, 2008 (5-0-1; PLATTEN ABSENT)**

#### **7. CONSENT CALENDAR**

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- a. [CP06-054](#). Conditional Use Permit to add approximately 2,020 square feet to an existing residential care facility for a total of approximately 3,600 square feet, and to increase the number of clients from 6 to 14 on a 0.14 gross acre site in the CP Pedestrian Commercial Zoning District, located on the east side of South 8th Street, approximately 170 feet southerly of Keyes Street (1128 S 8TH ST)(Phillip Esguerra, owner and developer). Council District 3. SNI: Spartan/Keyes. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

**APPROVED (5-0-0-1; PLATTEN ABSTAINED)**

The following items are considered individually.

## **8. PUBLIC HEARING**

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- a. [CP08-059 / ABC08-006](#). Conditional Use Permit and Determination of Public Convenience and Necessity to allow off-sale of alcohol for a new grocery store (Fresh & Easy), on a 2.97 gross acre site, in the CP General Pedestrian Zoning District. The project site is located at the southeast corner of Saratoga Avenue and Payne Avenue (1322 Saratoga Avenue)(Saratoga Land LLC, Owner). Council District 1. SNI: N/A. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

**DENIED AS MANDATED BY THE MUNICIPAL CODE (5-0-1; PLATTEN ABSENT)**

- b. [Review and Recommendation of the Strong Neighborhoods Initiative Spartan Keyes Neighborhood Improvement Plan Amendment](#) to the City Council. Council Districts 3&7. SNI: Spartan Keyes. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045. *PROJECT MANAGER, J.YOSHIDA*

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

- c. [ORDINANCE AMENDMENT](#). An ordinance of the City of San José Amending these portions of Title 20 of the Municipal Code. (1) Chapter 20.30, Sections 20.30.500 to allow the square footage of accessory structures to match those of garages, (2) Chapter 20.30, Sections 20.30.520 to clarify the minimum separation required for accessory buildings and accessory structures, (3) Chapter 20.90, Section 20.90.220, to allow by right parking reductions to one-car garages for single-family residences located in the R-1, R-2 and R-M Residence Zoning Districts, and (4) Chapter 20.100, Section 20.100.500, to allow minor additions to two-family dwellings provided current parking regulations are being followed. CEQA: Exempt. (Deferred from 10/22/08). *PROJECT MANAGER, A.BATY*

**RECOMMENDED APPROVAL WITH CONDITION OF 6 MONTH REVIEW WITH NEIGHBORHOOD ROUNDTABLE (5-1-0; DO OPPOSED)**

- d. [ORDINANCE AMENDMENT](#). An ordinance of the City of San José Amending Title 20 of the San José Municipal Code, the Zoning Code, to (1) Amend Section 20.50.010 of Chapter 20.50 to establish the CIC Combined Industrial/Commercial Zoning District and to clarify the IP Industrial Park, LI Light Industrial and HI Heavy Industrial Zoning Districts; (2) Amend Section 20.50.100 to change the “CM” denotation to “C<sup>gp</sup>” and to allow uses with the “C<sup>gp</sup>” denotation with a conditional use permit on properties designated mixed industrial overlay or combined industrial/commercial by the general plan, to establish use regulations for the CIC combined Industrial/Commercial Zoning District, to allow laboratory, medium manufacturing and assembly, and warehouse uses as a permitted use in the IP Industrial Park Zoning District; to add research and development office, mortuary without funeral services, and warehouse retail as enumerated uses, to allow crematory uses with a conditional use permit in LI Light Industrial Zoning Districts, to eliminate day care center as a conditional use in the HI Heavy Industrial Zoning District with a mixed industrial overlay, and to add autobroker, wholesale, no on-site storage as a permitted use in the IP Industrial Park Zoning District; (3) Add section 20.50.113 to clarify use regulations for public eating establishments in the LI Light Industrial or HI Heavy Industrial Zoning Districts; (4) Add section

20.50.130 to establish regulations for warehouse retail; (5) Amend section 20.50.200 to establish development regulations for the CIC combined Industrial/Commercial Zoning District; Amend Section 20.90.060 of Chapter 20.90 to establish parking requirements for research and development office, mortuary without funeral services, and warehouse retail; (6) Amend Section 20.100.500 of Chapter 20.100 to allow above-ground storage tanks 2,000 gallons or less with a permit adjustment; (7) Amend Chapter 20.200 to define mortuary and funeral services, mortuary without funeral services, research and development office, and warehouse retail; and make other related clarifying changes and amendments. CEQA: Negative Declaration, PP08-124. (Deferred from 10/22/08).  
*PROJECT MANAGER, S.DO*

**CONTINUE TO 11/19/08 TO PROVIDE COMMISSIONERS WITH  
“TRACKED CHANGES” COPY OF DRAFT ORDINANCE (4-2-0;  
CAMPOS, DO OPPOSED)**

- e. [PDC07-083](#). Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 64 multi-family residential units for senior affordable housing, over 7,500 square-foot dental office and surface parking on a 0.97 gross acre site, located on the southeast corner of Southwest Expressway and Leigh Avenue (1030 LEIGH AV) (Barry Mirkin, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, M.DAVIS*

**RECOMMENDED APPROVAL (6-0-0)**

- f. [PDC08-014](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow construction of 74,800 square feet for medical office uses and an expansion of an existing parking structure on a 5.4 gross acre site, located at the northeast corner of Samaritan Drive and South Bascom Avenue (2581 SAMARITAN DRIVE) (Samaritan Medical Center, Owner). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, E.SCHREINER*

**RECOMMENDED APPROVAL (6-0-0)**

## **9. PETITIONS AND COMMUNICATIONS**

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Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

**10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

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None

**11. GOOD AND WELFARE**

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- a. Report from City Council  
*11/12 RULES COMMITTEE MEETING - TO CONSIDER CODE CHANGE ON STREAMLINING – STAFF WILL CONFIRM DATE*
- b. Commissioners' Report from Committees:
  - (1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).  
*MEETING MONDAY, NOVEMBER 10, 2008*
  - (2) Envision San José 2040 General Plan Update Process (Kamkar).  
*MET MONDAY, OCTOBER 27, 2008 REGARDING TRANSPORTATION – CURRENT AND FUTURE*
- c. Review of synopsis for 10/22/08.  
*APPROVED (6-0-0)*
- d. Consider Study Session dates and/or topics.  
Distribute Agenda for Annual Retreat on Thursday, November 6, 2008 at 8:00 a.m. in City Hall, Room T-1654  
*CONFIRMED / DISTRIBUTED BY E-MAIL*
- e. Adopt 2009 Planning Commission Meeting Schedule  
*APPROVED (6-0-0)*

**ADJOURNMENT**